

JPW



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/629,908

Confirmation No.: 6084

In re Application of:

Keiko TAZAKI et al.

Group Art Unit: 2871

Filed: July 30, 2003

Examiner: George Y. Wang

For: OPTICAL ELEMENT

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed December 10, 2004, applicants hereby provisionally elect, with traverse, species 5 (Figs. 7A-7B) for initial examination in this application. Claims 1-6, 10 and 11 read on the elected species and claims 1-6 are generic to all species outlined in the Office Action.

Applicants traverse the election requirement since all of species 1-6 are sufficiently related that a thorough and complete search for species 5 should encompass a thorough and complete search for species 1-5 and 6.

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Search and examination of the entire application can be made without serious burden. See MPEP §803 which states that "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits." This policy should apply in the present application to avoid unnecessary delay and expense to applicant and unnecessary duplicative examination by the USPTO.

For the foregoing reasons, reconsideration and withdrawal of the election requirement and examination of all species herein are respectfully requested.

Respectfully submitted,

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January 7, 2005
Date

CAW/mhs

Attorney Docket No.: DAIN:743

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